

# Demography, Geopolitics, and the Future of Israel's Capital: Jerusalem's Proposed Master Plan

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# Major Findings

## **The Jewish majority in Jerusalem is declining.**

The demographic target in the Jerusalem master plan has changed. The mass migration of the Jewish population from Jerusalem to peripheral areas over the past three decades, together with the trend towards urbanization among the Arab population and the migration of an additional Arab population to Jerusalem, were factors contributing to the reduction of the Jewish majority in Jerusalem. This compelled the planning institutions in recent years to update the demographic objective and the population target in Jerusalem for the year 2020 and adjust it to reality: no longer 70 percent Jews and 30 percent Arabs, as the government determined during the 1970s and 1980s, but 60 percent Jews and 40 percent Arabs.

## **The decline may continue.**

The changes that the Jerusalem District Commission introduced into the master plan for the city – the addition of construction areas for the Arab population over and above what the local commission had decided upon, together with the reduction of construction areas for the Jewish population – jeopardized even the “modest” demographic objective set for the year 2020 of 60 percent Jews and 40 percent Arabs.

The planned inventory of Jewish housing in Jerusalem does not meet expected needs for 2020, while the planned inventory of Arab housing will suffice until at least 2030.

## **The planned inventory of Arab housing will suffice until at least 2030.**

The estimated planned inventory of housing for the Arab population under the master plan deposited by the District Commission would meet the requirements at least until the year 2030.

## **The planned inventory of Jewish housing does not meet expected needs for 2020.**

In contradistinction, the inventory in the Jewish sector does not meet the expected needs to 2020. The growth projection for the Jewish population until the year 2020, on which the 2000 master plan was predicated, was prepared by Prof. Sergio DellaPergola

in the year 2000 and has already proven itself at a number of intermediate stations as coinciding more or less with reality. It predicts that up to 2020 a Jewish population totaling 75,000 people will be added to the city.

On the assumption, based on the previous decade's experience, that only a third of the inventory of approved building plans are actually constructed,<sup>1</sup> then currently a sufficient planned inventory of housing for 75,000 Jews by 2020 does not exist.

**The planned expansion of Jewish neighborhoods on lands that have to be expropriated will not be realized.**

Some of the areas that were previously or are currently intended to serve as an inventory for reinforcing Jewish residential neighborhoods – in Ramot, Gilo, Har Homa, and Pisgat Zeev – are Arab-owned areas or with unregistered ownership. Given the current political and diplomatic reality, the plausibility that the state will use this planned inventory and will resume expropriating land (as it did in the past) is virtually nil.

**Creating urban contiguity between eastern Jerusalem neighborhoods and Palestinian neighborhoods outside the city reinforces the Palestinian demand for political contiguity as well.**

The District Commission's decision to cancel many of the green open areas that constituted a barrier between the Arab neighborhoods within the city and the Arab neighborhoods outside the city's municipal boundaries, and earmark them as housing areas for the Arab population, exerts a geopolitical influence that may prove decisive in formulating the contours of a future political arrangement in Jerusalem. Linking the built-up Palestinian areas within Jerusalem to the built-up Palestinian areas outside of it can only reinforce the Palestinian demand to recognize the West Bank and eastern Jerusalem as a single political entity and demand the identical political arrangement for the West Bank and eastern Jerusalem. In other words, such contiguity can reinforce the Palestinian claim in favor of partitioning the city and turning eastern Jerusalem into the capital of a Palestinian state, if and when it is established.

Linking the built-up Palestinian areas within Jerusalem to the built-up Palestinian areas outside of it can only reinforce the Palestinian demand to recognize the West Bank and eastern Jerusalem as a single political entity.

### **Jerusalem's connection with Maale Adumim is threatened.**

Additional decisions of the District Commission such as building in the southern and northern margins of Issawiya and A-Tur, that approach the Maale Adumim-Jerusalem road, or abstention from implementing Jewish ownership in the "Eastern Gateway" area by building housing for Jews, will have similar geopolitical influences.

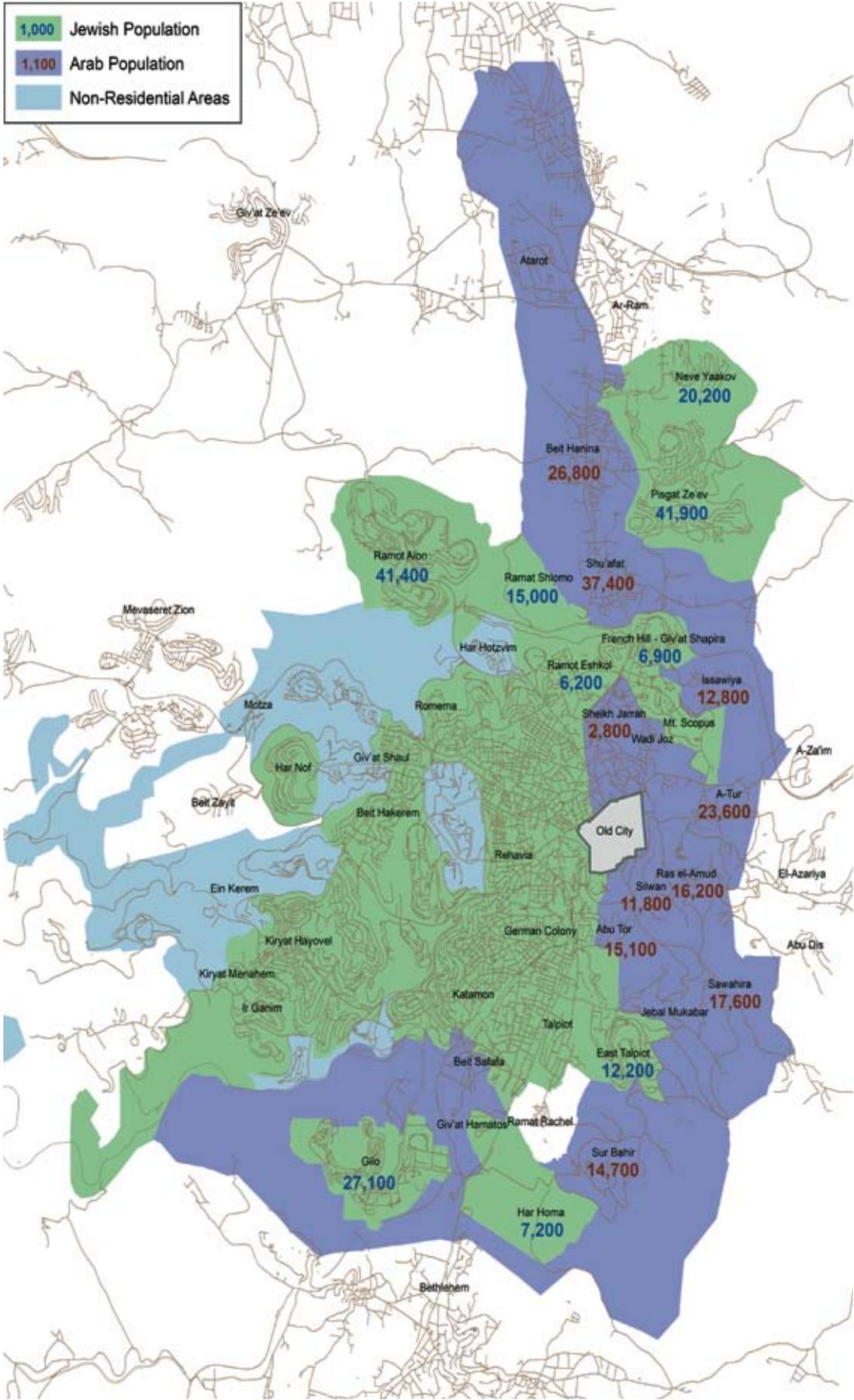
### **The absence of land registration arrangements for eastern Jerusalem creates planning chaos and encumbers legal construction.**

The absence of land registration arrangements for eastern Jerusalem, and the deliberate abstention by Israel from regulating the land in this part of the city, currently encumbers and poses difficulties for the planning authorities in the region. It also creates difficulties for large parts of the eastern Jerusalem population to build legally and with a license. The policy of the State Attorney General since the Six-Day War on this issue rests on a series of practical and diplomatic explanations. However, the policy of refraining from resolving ownership on most of the land in eastern Jerusalem substantially contributes to the illegal construction there, and severely damages the property rights of the individual, allows for dual registrations and the implementation of contradictory transactions, and does not allow for mortgaging innumerable properties whose exact boundaries are not known. Furthermore, the situation invites a takeover of land by brute force (as is indeed occurring), as well as many forgeries. As a result, many residents, but also the state, have forfeited several properties. The municipality cannot properly plan, perform infrastructure work, erect educational buildings, and take care of sewage, drainage, electricity, roads, etc. The municipality cannot even set aside land for public purposes without the need for expropriation and payment of compensation.

### **Everyone will benefit from land registration arrangements for all of Jerusalem.**

In the author's opinion, an examination of the gains and losses points to the need for land registration arrangements in eastern Jerusalem. This is what the human rights organizations active among eastern Jerusalem Arabs believe; this is what the professional levels in the Jerusalem Municipality (the city engineer and his personnel) believe; this is the position of former Minister for Jerusalem Affairs Rafi Eitan, who examined the issue at the end of 2008 and tried to implement a decision in this spirit, an attempt that was thwarted by the Attorney General. This is what the movement interested in settling Jews throughout all parts of Jerusalem believes. All of these people of various hues within society and the political spectrum represent ostensibly contradictory interests, but all agree that the legal and planning chaos hurts everyone, and that rational land registration arrangements that will be responsibly managed by the legally authorized individuals will prove beneficial both to the local population, that can legally build and give expression to the land under its ownership, as well as to the interests of the State of Israel, which can benefit in terms of control and right of possession of additional land.

# Jerusalem - Population Distribution



## Introduction: Drafting a New Master Plan for Jerusalem

On October 7, 2008, after holding a series of deliberations on the new master plan prepared for the city of Jerusalem by a team headed by Moshe Cohen, the District Planning and Construction Commission for the Jerusalem region decided to promote the program and ratify its deposit, pending objections by the public. A month later, following the election of Nir Barkat to the post of Jerusalem's mayor and at his request, the District Commission granted him the option to voice his criticisms of the master plan prior to its deposit. In May 2009, Barkat appeared before the commission, made his criticisms, and a few changes were introduced into the plan documents. The commission decided again to deposit the plan that was also signed by Jerusalem's mayor.

In June 2009, Minister of Interior Eli Yishai, members of the Jerusalem City Council, the Mayor of Maale Adumim, the Knesset Speaker, and additional political and planning bodies approached the Chairman of the District Commission. They claimed that the plan whose deposit was decided upon substantially differed from the plan that the local commission had recommended for deposit, and that substantial changes had been introduced without involving the local commission.

Changes to the Jerusalem Master Plan adding housing for the Arab population in areas that were previously designated to remain green and open, while at the same time reducing housing areas available for the Jewish population, have stirred a public debate.

The main arguments against the revised plan pertained directly to the implementation of plans for housing construction in Jerusalem for Arabs and Jews alike. As a rule, the changes derived from the District Commission's addition of housing areas for the Arab population from areas that were previously designated to remain green and open areas, while at the same time reducing housing areas for the Jewish population.

These changes stirred a public debate that was reflected in the media, and played out in various venues including the Knesset. Some who opposed the changes demanded that the plan be returned to the local commission for deliberation. Others insisted that the National Planning and Construction Council should be the one to decide the debate. At the guidance of Minister Yishai, a series of informal discussions began between members of the District Commission and the Jerusalem Municipality in an

attempt to formulate agreements on the disputed points. This study was written before the aforementioned dialogue concluded, and before the District Commission began to hear objections to the plan that was deposited.

This study does not deal with the essentially procedural issue of whether the District Commission introduced substantial changes into the master plan without consultation with the local commission. It seeks to deal with the substance and the repercussions of these changes, which impact on the demographic and geopolitical arenas. These two arenas exert a decisive influence on Jerusalem's reality, as well as on any future political-diplomatic arrangements that will be instituted for the city. This study also details for the first time the severe negative influence on planning and construction posed by the absence of land registration arrangements for eastern Jerusalem.

## **The Government of Israel's Demographic Policy in Jerusalem<sup>3</sup>**

Since the unification of Jerusalem in 1967, the expansion of its boundaries, and the transformation of tens of thousands of Arabs into Jerusalem residents, the demography of the Jewish population in Jerusalem has been a consideration for the Israeli government, the Jerusalem Municipality, and its planners. Stemming from this concern, there has been a concentrated struggle to preserve the city's Jewish majority over the last 42 years.

A city's robustness is measured not only by the number of its residents, but also by their vigor and the city's economic strength, physical appearance, the quality of life for its residents and its power of attraction as a place to live, especially for younger populations. When dealing with Jerusalem – a national, religious, and tourist symbol – the demographic consideration has become a major consideration in the city's planning and development policy over the years.

The aspiration to create and preserve a stable Jewish majority in the unified capital of the State of Israel has been the dream of the Jewish people over many generations.

The aspiration to create and preserve a stable Jewish majority in the unified capital of the State of Israel has been the dream of the Jewish people over many generations. A Jewish majority has existed in Jerusalem since the latter half of the nineteenth century.<sup>4</sup>

# The Changing Demographic Target for Jerusalem

Year	Plan	Demographic target/existing population	Division between Jews and Arabs
1967			<p>Situation Report</p>  <p>74% 26%</p> <p>Jews Arabs</p>
1970-1985	Government decisions	Preserving the demographic balance of 70% Jews and 30% Arabs	<p>Target</p>  <p>70% 30%</p> <p>Jews Arabs</p>
End of 2005	National Master Plan	Target of 1,060,000 persons in the Jerusalem District by 2020 without demographic target	
2006	District Master Plan (RMP 30/1)	<p>Demographic target for 2020:</p> <p>65% Jews</p> <p>35% Arabs</p>	<p>Target</p>  <p>65% 35%</p> <p>Jews Arabs</p>
2009	Situation today	<p>495,000 Jews</p> <p>270,000 Arabs</p>	<p>Situation Report</p>  <p>65% 35%</p> <p>Jews Arabs</p>
2004-2009	Master Plan 2000, local master plan for Jerusalem deposited by the District Commission in 2009	Population of 950,000 people. Demographic target for 2020 of 60% Jews and 40% Arabs. This target has also been adopted by the district master plan. <sup>2</sup>	<p>Target</p>  <p>60% 40%</p> <p>Jews Arabs</p>

The demographic policy of the Israeli government regarding Jerusalem was directly influenced by the fact that the city had been divided for 19 years (1948-1967). Israeli leaders feared that one day the Arab residents of eastern Jerusalem, which had been annexed to the State of Israel in 1967, would seek to realize their national aspirations – either by a repartition of the city, by linking up to an independent Palestinian entity, or in some other way.

What David Ben-Gurion, the first prime minister of Israel, said immediately after the Six-Day War, accurately reflected the mood among the state's leadership and constituted a guide and judicial writ in the four following decades: "We must bring Jews to eastern Jerusalem at any cost. We must settle tens of thousands of Jews in a brief time. Jews will agree to settle in eastern Jerusalem even in shacks. We cannot await the construction of orderly neighborhoods. The essential thing is that Jews will be there."<sup>5</sup>

About 70,000 dunams were annexed following the Six-Day War to the north, south, and east of the old municipal boundaries. The main consideration guiding the decision-makers was to take control over the maximum area with a minimal Arab population and to prevent the possibility of the city's partition in the future.<sup>6</sup> Jewish neighborhoods were established in the vacant areas that were annexed to Jerusalem,<sup>7</sup> neighborhoods where about 200,000 Jews currently reside.

The unification of Jerusalem brought with it the addition of an appreciable Arab population. Prior to 1967, in the western part of the divided city, there were 97 percent Jews and 3 percent non-Jews. Following unification, the ratio stood at 74 percent Jews and 26 percent Arabs.<sup>8</sup>

The 1968 Master Plan for Jerusalem therefore recommended to appreciably accelerate the Jewish population's growth rate. In September 1973, Prime Minister Golda Meir initiated actions in order to increase the Jewish population of Jerusalem by 3.7 percent by 1982.<sup>9</sup> That same year, the Gaffney Committee (an inter-ministerial government committee examining development in Jerusalem) recommended preserving the relative proportion of Jews and Arabs in the city that existed at the end of 1972, i.e., 73.5 percent Jews and 25.5 percent Arabs. Over the years, the ministerial committees for Jerusalem Affairs and the Government of Israel reaffirmed this goal, which formed the backdrop for numerous plans prepared by the government and the Jerusalem Municipality.

## **The Demographic Reality on the Ground**

But plans are one thing and reality is another. Today the ratio between Jews and Arabs in Jerusalem is 65 percent Jews and 35 percent Arabs, with the outlook for 2020 that Jews will total only 60 percent of the total population. For 2030, some predictions forecast equality between the Jewish and Arab populations in the city.<sup>10</sup>

Today the ratio between Jews and Arabs in Jerusalem is 65 percent Jews and 35 percent Arabs, with the outlook for 2020 that Jews will total only 60 percent of the total population.

Dr. Maya Hoshen of the Jerusalem Institute for Israel Studies (who edits the annual *Jerusalem Statistical Yearbook*) has noted that “the assumption that formed the basis of municipal and government policy for Jerusalem’s development, in general, and its demographic growth, in particular, was that while the Arab population would grow primarily as a result of natural increase, the Jewish population would grow primarily from positive internal migration and immigrant absorption. The favorable immigration balance and the absorption of immigration were intended to overcome the relatively more rapid natural increase of the Arab population and preserve the Jewish majority in Jerusalem.”<sup>11</sup>

The Arabs fulfilled their part in this equation. Furthermore, in recent years, since the establishment of the separation fence, tens of thousands of Palestinians have moved to the “Israeli” side of the fence in order to protect the various economic rights and benefits that derive from their status as residents of Israeli Jerusalem.<sup>12</sup> On the Jewish side, however, Jerusalem absorbed only a small proportion of the immigrants from the former Soviet Union who arrived in Israel during the 1990s.<sup>13</sup> More ominously, Jewish residents of Jerusalem left the city and are continuing to leave in high numbers.

In the first years following the Six-Day War there was a positive balance of Jewish immigration into the city, but since the 1980s, more Jews have been leaving the city than have been coming to live there. In the last two decades, some 15-18,000 Jews on average have left the city every year. During this period, 300,000 Jews left the city and fewer than 200,000 came to live there.<sup>14</sup> The main reasons for this exodus and for the limited number of immigrants are expensive housing, limited housing opportunities, scant employment opportunities, and relatively low salary levels.<sup>15</sup>

A number of additional factors have also contributed to reducing the Jewish majority in the city:<sup>16</sup>

- The birth rate among the Arab population is substantially higher than among the Jewish population: 30 births per thousand among the Arab population as compared with 25.4 births per thousand among the Jewish population.
- The mortality rate among the Arab population in Jerusalem is substantially lower than the mortality rate among the Jewish population: 2.8 deaths per thousand among Arabs as compared with 5.1 deaths per thousand among Jews.

- ▶ Natural increase (the difference between the number of births and the number of deaths) among the Arab population is substantially higher than among the Jewish population: 27.4 per thousand as compared with 20.3 per thousand.
- ▶ The median age of the Jewish population is 25, compared to 19 among the Arab population. Some 31 percent of the Jewish population are children, as compared with 42 percent among Arabs.

Given all these factors, the growth rate of the Arab population is almost three times higher than the growth rate for the Jewish population. In the past four decades, the Jewish population increased by 146 percent while the Arab population grew by 280 percent. At the close of 2008, the population of Jerusalem was 765,000, with 495,000 Jews and 270,000 Arabs. In the regions added to the city since its unification in 1967, Arabs constituted some 60 percent of the population.

## **The Demographic Issue in Master Plan 2000**

Master Plan 2000, the first such plan for Jerusalem since 1959,<sup>17</sup> was prepared by a team of planners headed by Moshe Cohen. The plan was ratified in 2007 by the Planning and Construction Committee of the Jerusalem Municipality.

The plan sets many objectives including the demographic objective of “preserving the Jewish majority in the city of Jerusalem while providing a response to the needs of the Arab minority residing in the city.”<sup>18</sup> It noted that the Arab population in Jerusalem is increasing in comparison with the Jewish population, both due to the increasing exodus of the Jewish population to the suburbs, and because of high birth rates that characterize the Arab population.<sup>19</sup> Those who drew up the plan expressed apprehension that “the continued relative growth of the Arab population in Jerusalem can diminish the proportion of the Jewish population in the future.” They emphasized that “the master plan seeks to preserve a substantial Jewish majority in Jerusalem.”

In order to attain that objective, the planners proposed “intervention tools to preserve the Jewish majority in the city,” including planning a sufficient supply of housing by building new neighborhoods and reinforcing and increasing the density of veteran Jewish neighborhoods, as well as adding places of employment and services on a quantitative and qualitative basis.<sup>20</sup>

The demographic target in Master Plan 2000<sup>21</sup> differed from the previous 70 percent Jews and 30 percent Arabs target that had been set by previous Israeli governments since 1967. Given the shrinking Jewish majority that currently totals 65 percent, the master plan team set a more realistic goal for the year 2020 of 60 percent Jews and 40 percent Arabs.<sup>22</sup> The authors of District Master Plan 30/1 also updated their population forecast and adopted the population forecast of Master Plan 2000 for the year 2020 for a city population of 950,000 persons (570,000 Jews and 380,000 Arabs).<sup>23</sup> The Master

Plan 2000 team noted that the old target was no longer attainable in the foreseeable future since the Arab population had grown at a rate of more than three times that of the Jewish population.<sup>24</sup>

## **Estimated Housing Needs of the Arab Population and the Projected Housing Inventory for 2020**

While a report on land reserves for the Jewish population's housing needs was prepared by the Jerusalem Municipality and updated a number of times, a parallel report for the Arab population in the city was never prepared.<sup>25</sup> Thus, estimates regarding the housing potential for the Arab sector are less substantiated than those that pertain to the Jewish sector. Likewise, there have been no discussions at the planning level of the fact that since the establishment of the separation fence, some 50-90,000 Palestinians have moved to Jerusalem who are not included in the various estimates. Some of the entrants are residents of eastern Jerusalem who hold Israeli identity cards who had resided outside of the city,<sup>26</sup> while others are illegal residents.

Based on a forecast that expects the Arab population of Jerusalem to grow by the year 2020 by an additional 92,000 persons,<sup>27</sup> Master Plan 2000 added 2,590 dunams of new housing areas for this population. At the same time, the plan foresaw an appreciable increase in the housing density in the eastern part of the city. The plan proposes four-to-six story buildings in most areas of the eastern part of the city (except for sensitive areas in the Old City), and in the north (in the Beit Hanina-Shuafat region). This constitutes an extensive change for eastern Jerusalem where most housing does not exceed two stories.



Wadi Joz neighborhood in Jerusalem

By the accepted yardstick of 5.3 persons per housing unit,<sup>28</sup> this would provide housing for a population of 140,000 residents. At the same time, Master Plan 2000 projects the growth of population in the Arab sector by 2020 to be only 92,000 residents. This means that already at the preliminary stage, even before the District Commission added additional housing construction areas for the Arab population within the framework of Master Plan 2000, it was estimated that the housing supply in the Arab sector would be sufficient for a number of years beyond 2020. This is without taking into account the possible building of additional stories atop some of the thousands of illegal housing units that already exist.

The decision by the District Commission to add an additional 1,800 dunams for housing construction for the Arab population increased the potential housing inventory in the Arab sector far beyond what was needed according to projections for 2020.

Currently about 270,000 Arabs live in eastern Jerusalem,<sup>29</sup> and their number is estimated to total about 380,000 by 2020. This means that by 2020, an inventory of apartments for at least 54,000 people beyond the extent of their expected growth by that date will be at the Arab population's disposal.

Indeed, the expected housing supply for the Arab sector is estimated to suffice until the year 2030. This estimate is based on adding density to what exists as well as constructing in new areas, but it does not take into account the realization of additional older plans that have been approved for construction in the Arab sector in the last 20 years and have not yet been acted upon. Including these older plans means that the Arab housing potential in the city may extend even beyond the year 2030.

## **Estimated Housing Needs of the Jewish Population and Projected Housing Inventory for 2020**

The master plan attempted to create a planned housing inventory for the Jewish population to help meet the more modest demographic population target of 60 percent Jews and 40 percent Arabs. Land designated for housing was increased by an additional 6,400 dunams, but the current situation casts doubt on the ability to attain even this limited objective.

One of the basic assumptions of the master plan was that new Jewish residential neighborhoods would be included to the west of the city (the Safdie plan), but the initiative encountered severe public opposition, primarily by environmental groups. Following prolonged discussions, the Safdie plan was rejected by the National Council for Planning and Construction. Thus, even before the master plan was discussed in the District Commission, the housing inventory planned for the Jewish sector was

reduced by 23,000 housing units. Studies conducted by various bodies show that the planned housing inventory does not meet the forecast for Jewish population growth by the year 2020.

### **The Arbel Report**

The Arbel Report that examines the land reserve inventory for Jewish housing construction was prepared by Amnon Arbel, Deputy Director of the Planning Department in the Jerusalem Municipality. The plan was submitted in June 2009 to an investigating commission reviewing a proposal for changing the Jerusalem and Mate Yehuda Regional Council jurisdictional boundary in the region of Ramat Rahel. Its objective was to persuade the committee to annex part of Ramat Rahel to Jerusalem. The forecasted growth of the Jewish population by the year 2020 specified in the report speaks of an additional 150,000 Jews, contradicting the accepted scenario prepared by Prof. Sergio DellaPergola for the Jerusalem Master Plan of only 75,000 Jews in the eleven years up to 2020, as well as the fact that the growth of the Jewish population between the eight years 1998-2005 was 46,000 Jews. Continued growth at this rate leads to an increment of only about 65,000 Jews by 2020.

Nevertheless, the detailed examination by Arbel reveals that only 2,450 housing units out of the 19,152 that exist as an inventory of new housing for Jews marked in the master plan are actually new additions, and that 16,702 already exist in the old inventory. Arbel lists an additional 16,500 housing units as a possible increment allowed by the master plan by adding density to existing structures.

About 28,500 housing units are listed in the existing inventory for realization by 2020, according to the Arbel report. The report notes that “the real capability to influence the housing market by reducing housing prices in Jerusalem comes via putting up for



Ramat Shlomo neighborhood in Jerusalem

sale a large number of apartments on a concentrated basis, something that cannot be done via public projects that are being administered by public and governmental bodies.” However, an examination of the number of housing units in the existing inventory shows that there is a real dearth of projects and that the existing inventory does not suffice. Arbel notes that there are very few areas that allow for large-scale projects (above 500 housing units), and the planning process takes around a decade. In addition, many of the larger programs are mired in planning disputes or face severe statutory problems, which raises doubts about their completion by 2020.

The report concludes that there are very few large tracts to develop that would have a significant impact on the housing supply in the city,<sup>30</sup> and therefore it is important to find additional areas in order to add a significant increment of housing units beyond what is listed in the new master plan, which is limited to the current municipal boundaries. Arbel believes that the actual housing inventory in the Jewish sector for 2020 totals 41,500 (existing inventory, added density, and increment according to the master plan). However, taking into account the analysis that Arbel himself conducted, it seems that the impact of the various delays cited in the Arbel report casts doubt on this figure and we may expect to see at most 50 percent of these 41,500 housing units.

### **The Master Plan for Transportation in Jerusalem**

A report prepared in July 2009 within the framework of the Master Plan for Transportation in Jerusalem reveals that there are currently 13,300 approved new housing units in the system whose construction has not yet started, and another 15,000 housing units at other stages of planning. Even assuming that half of them – 14,500 housing units – are built by 2020, they will meet only 56 percent of the expected need.<sup>31</sup> The Jewish population that does not find housing solutions in the city will move elsewhere, further increasing the negative immigration balance in the capital.

### **The Estimate by Charles Kuhn, the Deputy Director of the Department for Planning Policy in the Jerusalem Municipality**

An additional evaluation was performed by Charles Kuhn, the Deputy Director of the Policy Planning Department in the Jerusalem Municipality. Kuhn, who adapted the data from the master plan, computes an inventory of 38,334 housing units for the Jewish sector by 2020, most of them in approved plans including 19,152 that the master plan added. Even if the realization rate of this inventory reaches 50 percent, this figure will still only respond to 75 percent of the needs. In other words, there will only be housing for 57,000 in the Jewish sector, whereas Prof. DellaPergola’s population forecast for the Jerusalem Master Plan foresees an addition of 75,000.

## **The Estimate by Yekutiel Safri**

On September 4, 2009, journalist Yekutiel Safri, writing in *Yediot Ahronot*, published an investigation on housing reserves for Jews in the coming years. Safri found that the housing reserves until 2020 totaled 23,200 units. This estimate also demonstrates that the supply is sparse and cannot suffice to provide for the housing needs of the Jewish sector in 2020.

## **Planning on Privately Owned Land – An Obstacle to Development**

In order to meet the population targets set for 2020, it is necessary to add density in the neighborhoods of Ramot, Gilo, Har Homa and Pisgat Zeev. However, it emerges that the allocation of areas in these regions for municipal development was performed in the past on the basis of planning considerations without reference to ownership of the land. From an examination of the data it becomes clear that the lands that were earmarked on paper for expanding Jewish neighborhoods are Arab-owned, have unregistered ownership, and a minority are Jewish-owned.

In the current political and diplomatic reality, it is not plausible that the state will expropriate land as it did in the past. The planning institutions had estimated in the past that in Ramot an inventory existed for building 2,000 housing units for the Jewish population, in Har Homa – 7,700; in Gilo – 6,500; and in Pisgat Zeev – 1,600. In practice, out of all this inventory, only about 2,500 housing units can be developed.<sup>32</sup> It turns out that there is no complete fit between the planning map and the ownership map, and the gaps between the two maps find only partial expression in the Master Plan 2000 program. For example, Har Homa is listed as having land reserves for 5,859 housing units. However, they are planned for areas that would have to be expropriated, leaving their actual development in doubt.

Lands earmarked on paper for expanding Jewish neighborhoods are Arab-owned, have unregistered ownership, and a minority are Jewish-owned. In the current political and diplomatic reality, it is not plausible that the state will expropriate land as it did in the past.

## **The Outlook for Development Through Increased Density**

Another tool that the plan ostensibly offers in order to increase the number of housing units in the Jewish sector is to increase the density of the built-up areas in the existing Jewish neighborhoods. As noted, the planning authorities speak of the possibility of an additional 16,500 new housing units as a result of building an additional two stories on existing buildings and in new buildings. But a careful examination reveals that, as opposed to the Arab sector where building is done privately or via the clan, adding density in the Jewish sector is dependent primarily on entrepreneurship by private contractors, and therefore its potential for realization is relatively low. One should further take into account that the parking standards currently in force demand the addition of parking space in the area for every new housing unit. Likewise, the master plan marked off extensive areas in neighborhoods such as Ramat Shlomo, Givat Hamivtar and Har Nof as regions that are not intended for added density and new housing units cannot be added to them. In addition, the District Commission also included most of the main Haredi commercial area within the confines of the historic city, where building additions are severely restricted.<sup>33</sup>

## **The Importance of Staunching Jewish Emigration**

The demographic struggle for a Jewish majority in Jerusalem should be waged with an emphasis on staunching the emigration of Jews from the city, with an emphasis on attracting socio-economically strong populations. The steps required include the creation of a large supply of land for housing, reinforcing and adding density to the existing construction, and building tens of thousands of housing units. As long as these plans remain only on paper, one should not expect a change in the negative demographic trends that threaten the Jewish majority in Jerusalem.

The demographic struggle for a Jewish majority in Jerusalem should be waged with an emphasis on staunching the emigration of Jews from the city. The steps required include building tens of thousands of housing units.

## **Arab Demands for Contiguity between Eastern Jerusalem Neighborhoods and Arab Neighborhoods Outside the City**

The designation of green areas has now been changed to add housing areas for the benefit of the Arab population. These are areas that previously had constituted a barrier between the Arab neighborhoods within the city of Jerusalem and the Arab neighborhoods outside the jurisdictional boundaries of the city.<sup>34</sup> Joining the built-up Palestinian areas inside Jerusalem to the built-up Palestinian areas outside of it can reinforce the Palestinian demand to recognize the West Bank and eastern Jerusalem as a single contiguous entity, one that is not only urban but also political-diplomatic, with demands that an identical political arrangement be applied to both the West Bank and eastern Jerusalem. In other words, such contiguity strengthens the Palestinian argument in favor of partitioning the city and turning eastern Jerusalem into the capital of a Palestinian state.

Various proposals that have surfaced over the years have sought to designate a corridor to regulate the free passage of West Bank Palestinians to the Temple Mount via Palestinian neighborhoods to the east, within the jurisdictional boundaries of Jerusalem, in the framework of a passage fully under Palestinian control and perhaps even Palestinian sovereignty. Such a plan surfaced for the first time immediately after the Six-Day War when the possibility of an agreement with Jordan was discussed.<sup>35</sup> Subsequently the idea reemerged in the letter of understanding that was formulated in the mid-1990s by Yossi Beilin and Mahmoud Abbas. In the framework of this proposal, the village of Abu Dis was designated as the entrance point for “the Palestinian Corridor to the Temple Mount.” This was also discussed at the Camp David 2000 discussions, in Taba, and in Washington.<sup>36</sup>

## **The Potential Threat to the Jerusalem–Maale Adumim–Dead Sea Traffic Artery**

A most significant change with substantial geopolitical repercussions derives from a decision by the District Commission to designate additional areas for Arab residential construction in the villages of Issawiya and A-tur, north and south of the Maale Adumim-Jerusalem road. An estimated 1,200 housing units are to be built in Issawiya, and 1,480 units in A-Tur.<sup>37</sup> This building on both sides of the road could endanger travel on this road in the future, especially during times of security tension. Maale Adumim community leaders have warned government ministers of the danger posed by the residents of Issawiya, who have harmed Israeli vehicles and passengers on this key road in the past.<sup>38</sup>



**Issawiya**

Planned construction north of the road

**The Jerusalem–Maale Adumim–Dead Sea Traffic Artery**

Planned construction south of the road

**A-Tur**

A trickle of illegal building beyond the authorized boundaries, as has occurred in other Palestinian areas in Jerusalem, can create a link between Issawiya and A-tur and de facto prevent a link between Jerusalem and areas to the east.

## **The Absence of Land Registration Arrangements in Eastern Jerusalem: A Major Obstacle to Planning and Licensed Building**

Up to 1983, Israel refrained from orderly planning in the areas of Jerusalem annexed to the city in 1967. Master plans were not prepared and building permits were awarded under the section of the law intended originally to solve ad hoc problems until orderly plans were prepared. In practice, widespread building was permitted without reference to comprehensive planning, public needs, and population growth. Today, most of the areas in eastern Jerusalem are covered by some twenty zoning plans that were prepared over the last 25 years.

Immediately following the Six-Day War, the State Attorney General issued a directive not to make formal land registry arrangements in eastern Jerusalem, in part due to apprehension over the international response to such actions in areas of Jerusalem beyond the “green line.”

A series of obstacles has for years bedeviled orderly planning and the issuing of permits in many Arab residential areas in Jerusalem, and the result has been illegal and unlicensed building in staggering amounts. Since 1967, between 27,000 and 30,000 housing units or additions to existing housing have been built without permits and against the law.<sup>39</sup>

Some of the illegal construction in Jerusalem is indeed provocative political building against Israeli rule, as documented in various statements by major Palestinian figures over the years.<sup>40</sup> Apartments were built, particularly in the wealthier northern part of the city, that remained vacant for years.<sup>41</sup> These apartment houses of four, six, and even eight stories were not erected by poor Arab families, and sometimes criminals looking for a quick profit were involved in their construction.<sup>42</sup>

Another part of the illegal construction is influenced by a series of obstructions that in practice constrain orderly planning and sometimes the issuance of legal building

permits. These obstructions stem from two sources: the first is the Arab population itself, its character and life patterns as they have solidified over hundreds of years. The second is the fault of the national and municipal authorities.

A fundamental difficulty in eastern Jerusalem is the fact that there are extensive areas that are not registered in the Tabu Land Registry – either because nobody ever registered them, or because their entry was destroyed or lost and cannot be reconstructed.

Immediately following the Six-Day War, the State Attorney General issued a directive not to make formal land registry arrangements in eastern Jerusalem. The practical result is that it is exceedingly difficult to issue a building permit on land that is not registered.

As former Jerusalem District planner in the Interior Ministry Binah Schwarz concluded some time ago: “The major problem that accompanies planning and the issuance of permits in eastern Jerusalem is the absence of an orderly registration of ownership of the land. The absence of such registration results in a situation that the person submitting a plan or a request for a permit does not possess the tools to prove to the planning institutions that he is the one who possesses ownership of the land. The government, for its part, is not entitled to permit activities on land by a person who is not the registered owner or has no connection to the property.”<sup>43</sup>

What are the reasons that underlie a policy that prevents land registration in eastern Jerusalem?

The State of Israel is apprehensive over the international response to any significant action of a clearly governmental-diplomatic character in the areas of Jerusalem beyond the “green line.” This apprehension is linked *inter alia* to Israel’s relations with the churches which retain lands in central areas of the city. In response to petitions submitted by Arab residents to the High Court of Justice against the Registration and Land Arrangements Branch in the Justice Ministry, the state declared explicitly that “the arrangement procedures did not continue due to practical and diplomatic difficulties.”<sup>44</sup>

Attorney Yoram Bar Sela, who served for many years as a legal advisor to the Jerusalem Municipality and subsequently as Deputy State Attorney General, says that a fear existed that still prevails of a hostile takeover of the land by Arab parties, including states and nationalist Arab groups. “The concern was that after the land official would proclaim his intent to register land in a certain area, outside groups would finance the claims by locals for ownership of land in strategic areas. This is precisely the reason,” notes Bar Sela, “why the Turks and subsequently the British did not perform land registration in the Old City. They feared a Waqf [Muslim religious endowment] takeover of land in that area.”<sup>45</sup> Attorney Eitan Geva, an observer on the committee

that coordinated the management of Jerusalem and the West Bank in the first weeks following the Six-Day War, relates the apprehension of the decision-makers that promoting land registration arrangements would set off a wave of claims and forgeries that would result in Jews forfeiting lands they had owned during Ottoman and British Mandatory rule.

One should also note that today many eastern Jerusalem residents refrain from registering real estate transactions in order to avoid payment of various fees and taxes.

However, the results of this policy have turned destructive with the passing years, and have created a legal jungle and a planning bedlam that injures both the residents and the state.<sup>46</sup> In northern Jerusalem and in additional sections of the city, land swindlers build on unregistered land, whose owners had emigrated overseas. A common method is to sell, in addition to small plots of land owned by the seller, the adjacent plots as well. There are those who employ enforcers in order to protect the land they have taken control of, and scare away the legal owners. Others sell the same plot of land a few times over.<sup>47</sup> There are those who build a multi-story building on swindled land and sell the apartments below market prices. The head of the Property Assessor's Office, Ron Warnick, warned a few years ago of a phenomenon of forged ownership over land in eastern Jerusalem perpetrated by the Palestinian Authority.<sup>48</sup>

In May 2008, Yitzhak Katz, the head of the Licensing and Supervision Department of the Jerusalem Municipality, told the Knesset Interior Committee: "In eastern Jerusalem, Beit Hanina and many other neighborhoods, due to the fact that there are absentee owners...there are also people who exploit this and build houses without permits on land that does not belong to them. Once these buildings are constructed, another interesting phenomenon takes place – the apartments are sold to people who have no inkling that they are making a purchase from a criminal."<sup>49</sup>

Projects for implementing sewage lines in eastern Jerusalem are stuck because the land is not registered. There is no way to lay municipal sewage lines on private land when ownership is not known. Often many "owners" appear, each one claiming that the land belongs to him, in order to receive compensation. Sometimes negotiations over compensation take years. As a result, the absence of sewage lines and continued reliance on cesspools contributes to the pollution of the aquifers and subterranean waters.

All agree that the legal and planning chaos hurts everyone and that a rational land registration policy will benefit both the local population and the interests of the State of Israel.

## **The Necessity for Land Registration Arrangements in Eastern Jerusalem**

The need for proper land registration in eastern Jerusalem is recognized and supported by a wide array of interested parties including the city engineer and his staff in the Jerusalem Municipality, former Minister for Jerusalem Affairs Rafi Eitan who examined the issue at the end of 2008, and human rights organizations, as well as groups whose interest is to settle Jews throughout all areas of the city. All agree that the legal and planning chaos hurts everyone and that a rational land registration policy will benefit both the local population, to enable legal building, and the interests of the State of Israel.

There is a real problem of planning for housing in the Arab sector in Jerusalem, derived in part from the lack of an arrangement allowing the registration of land in the eastern part of the city. The decision by the District Commission to add housing areas for Arabs in Jerusalem was made partially because of this continuing lack of registration arrangements in eastern Jerusalem. Nevertheless, even in these new areas as well, there is a need to issue permits on the basis of registration and proof of ownership.

As the Jerusalem Master Plan 2000 notes: "The most severe problem in eastern Jerusalem is the absence of a system to resolve land ownership. This problem, in combination with a deliberate policy by both nationalist and criminal elements, has led to a huge volume of illegal construction, including construction on lands that were intended for public purposes and a takeover of privately owned lands....In order to solve the problem, a special judicial system should be established in the municipality to regulate the registration of land ownership, in conjunction with the Justice Ministry."<sup>50</sup>

# Notes

- 1 This assumption is shared by senior planning officials in Jerusalem including Moshe Cohen who headed the Master Plan 2000 team.
- 2 Protocol of the National Council for Planning and Construction. #483, 17 April 2007. See Israel Kimhi, coordinator of the planning team for District Master Plan (DMP) 30/1. He presents, in the appendix to DMP 30/1, recommendations for strengthening and developing the city of Jerusalem. The population target for 2020, originally pegged at 850,000, was updated by an additional 10 percent.
- 3 Data presented in this chapter is based on: MP 2000, Report #4, headed by the team of Moshe Cohen, as well as the population predictions of Dr. Sergio DellaPergola for this plan; *Jerusalem Statistical Annual* (Jerusalem Institute for Israel Studies); Maya Hoshen, *40 Years in Jerusalem* (Jerusalem Institute for Israel Studies, 2008); "On Your Data" (draft) (Jerusalem Institute for Israel Studies, 2007/8).
- 4 Hoshen, *40 Years in Jerusalem*, p. 16.
- 5 Uzi Binyamin, *City Without a Wall* (Shoken, 1973), p. 2.
- 6 David Kroyenker, *Jerusalem: Structure and Looks* (Zmora-Bitan, 1988), p. 58.
- 7 *Ibid.*
- 8 Central Bureau of Statistics (CBS).
- 9 Hoshen, *40 Years in Jerusalem*, p. 17.
- 10 Data of demographer Sergio DellaPergola, Strategic Master Plan for Jerusalem. and Jerusalem Institute for Israel Studies.
- 11 Hoshen, *40 Years in Jerusalem*, p. 18.
- 12 Nadav Shragai, *Jerusalem: The Dangers of Division* (Jerusalem Center for Public Affairs, 2008), p. 26. Also, conversation with Israel Kimhi, author of *The Security Fence in Jerusalem: Impacts on the City and its Residents* (Jerusalem Institute for Israel Studies, 2006).
- 13 Between 1990 and 2006, 1,178,200 immigrants came to Israel, of whom only 7 percent – 85,000 – chose Jerusalem as their initial place of residence. Hoshen, *40 Years in Jerusalem*, p. 26.
- 14 *Ibid.* See also Shragai, *Jerusalem: The Dangers of Division*, pp. 12-18.
- 15 *Ibid.*
- 16 *Ibid.*, pp. 12-15, and "On Your Data."
- 17 Master Plan 2000 is the first statutory plan since 1959 drawn up for the entire Jerusalem area. Master Plan 62 from 1959 only applies to the western part of the city, while another plan for the city drawn up in 1975 was not approved. Master Plan 62 has had over 12,000 minor corrections.
- 18 Jerusalem Local Master Plan 2000, Report #4, August 2004, p. 205.
- 19 *Ibid.*
- 20 *Ibid.*
- 21 *Ibid.*
- 22 The basis for this plan is an estimate made by Dr. Sergio DellaPergola for the Jerusalem Master Plan that states that in each of the following years, an average of 15,060 people will be added to the city's population: 6,720 Jews and 8,340 Arabs.
- 23 Protocol of the National Council for Planning and Construction, #483, 17 April 2007. See also Israel Kimhi, coordinator of the planning team for DMP 30/1.
- 24 Jerusalem Local Master Plan 2000, Report #4.
- 25 Letter of Amnon Arbel, Deputy Director of the City Planning Department of the Jerusalem Municipality, dated 16 July 2009, to Deputy Mayor David Harari.
- 26 Shragai, *Jerusalem: The Dangers of Division*, p. 26.
- 27 According to an estimated growth of an average of 8,340 people a year. Estimates of Dr. Sergio DellaPergola, Master Plan 2000, Report #4, August 2004, p. 203, Table 3.

- 28 Data from Jerusalem Institute for Israel Studies.
- 29 *Ibid.*
- 30 A similar conclusion can be obtained from Yekutiel Zafri, "Jerusalem's Hot Projects," *Yediot Yerushalyim*, 19 June 2009, p. 14, which states, based on a document of the Israel Lands Administration, that the administration plans on offering construction zones encompassing 5,800 apartments, but only 1,769 are approved, and even these have no infrastructure arrangements.
- 31 Calculation based on an average of 3.1 persons per Jewish household. Data from Jerusalem Institute for Israel Studies.
- 32 The team that prepared Master Plan 2000, headed by Moshe Cohen, noted this in a document submitted to the Prime Minister, with corroboration by planning personnel.
- 33 Based on a document written by architect Yitzhak Punt in summer 2009, where he detailed options for density and expansion.
- 34 In some areas of this barrier there is already illegal construction, and the decision to zone it for construction means de facto approval.
- 35 Nadav Shragai, *The Mount of Foundation* (Keter, 1995), p. 371.
- 36 Nadav Shragai, "A Village Slowly Escaping Israel's Grasp," *Ha'aretz*, 12 August 2001; Shragai, "Palestinian Flag on the Temple Mount," *Ha'aretz*, 4 June 1999. Among other reasons, Abu Dis was chosen as the departure point for the "Corridor Plan" because it is a split village – most of it is outside the jurisdiction of Jerusalem, with a small part of it within the city's jurisdiction.
- 37 Estimates taken from non-Jewish housing in Jerusalem zone map, according to Master Plan 2000, updated for July 2009, prepared in the Policy Planning Department of the Jerusalem Municipality.
- 38 Letters of Eli Har Nir, Director-General of Maale Adumim Municipality, to Commander Nisim Edri, 28 June 2008, and of Mayor of Maale Adumim Benny Kasriel to Deputy Prime Minister Eli Yishai, 16 June 2009, clearly indicate this danger. Kasriel notes: "These expansion zones are very close to the only traffic routes connecting Maale Adumim to Jerusalem and the roads from it," and that "The residents of Maale Adumim and the Jordan Valley are dependent on these routes and have no alternative to them.
- 39 Former Minister for Jerusalem Affairs Haim Ramon specified the number 20,000 in the Knesset in May 2000. The number 30,000 is based on the assumption mentioned in Master Plan 2000, report #4, p. 136, that every year an additional 900 building violations occur in the eastern part of the city. The illegal construction is not the focus of this report, although it derives to a large extent from factors and causes that the current report observes. For details on the issue of illegal building in Jerusalem, see Justus Weiner, *Illegal Construction in Jerusalem* (Jerusalem Center for Public Affairs, 2003). See also *The Supervision of Construction in Jerusalem*, a summary of findings and recommendations of the team headed by deputy director general Eitan Meir, 28 October 1996; Nadav Shragai, "Jerusalem Is Not the Problem, It Is the Solution," in *Mr. Prime Minister: Jerusalem*, Moshe Amirav, ed. (Carmel and Florsheimer Institute, 2005), pp. 37-40.
- 40 Take, for example, Feisal Hussein, who held the Jerusalem portfolio in the PLO executive committee, in an interview with the Egyptian periodical *Al-Ahram Al-Arabi* in June 1997. Hussein said: "The most important challenge confronting the Palestinians today is construction, even without permits." Statements in a similar or even sharper vein were made by Khaled Topkaji, a Palestinian demographer who operated out of the Orient House; by Othman Nasser, former Jerusalem district governor on behalf of the Palestinian Authority; and others. For details, see Justus Weiner, *Illegal Construction in Jerusalem*.
- 41 Although they were filled with the passage of time. See Nadav Shragai, Moshe Reinfeld and Amiram Cohen, "Hundreds of Apartments Built Without Permits in East Jerusalem by Palestinians Stand Empty," *Ha'aretz*, 27 May 1997.
- 42 Weiner, *Illegal Construction in Jerusalem*.
- 43 Binat Schwartz, Draft of Planning Report for East Jerusalem (prepared for the Foreign Ministry by the Jerusalem District Planner), District Planning Bureau, Jerusalem District Administration, from the Minister of the Interior, 28 April 2003, cited in Nati Marom, "Catch in Planning," December 2004, Ir Shalem and Bimkom.
- 44 For example, High Court of Justice 660/2000, *Sliman Hijazi and Jazzi Siam vs. Justice Ministry and others*. From the decision of Justice Dalia Dorner, 28 May 2002.

- 45 In a conversation with the author, July 2009.
- 46 Background and chronology taken from document prepared by experts in the Jerusalem Municipality, June 2008.
- 47 For details, see Amira Hass, "First You Take over the Land of Another, Then You Sell It Cheaply," *Ha'aretz*, 15 January 2003.
- 48 "PA Fakes Land Ownership in Jerusalem," Arutz 7 website, 2 May 2005.
- 49 Knesset Internal Affairs and Environment Committee, Protocol #367 of the meeting on 28 May 2008, p. 24.
- 50 Jerusalem Master Plan 2000, report #4, p. 135.

# About the Author

**Nadav Shragai** is a senior researcher at the Jerusalem Center for Public Affairs. His recent publications include *Jerusalem: The Dangers of Division, An Alternative to Separation from the Arab Neighborhoods* (2008); "Protecting the Continuity of Israel: The E-1 Area and the Link Between Jerusalem and Maale Adumim" (2009); "The U.S.-Israeli Dispute Over Building in Jerusalem: The Sheikh Jarrah-Simon HaTzadik Neighborhood" (2009); and "The Mount of Olives in Jerusalem: Why Continued Israeli Control is Vital" (2009).

His books include: *At the Crossroads, the Story of Rachel's Tomb* (Jerusalem Studies, 2005); *The Mount of Foundation, The Struggle for the Temple Mount, Jews and Muslims, Religion and Politics Since 1967* (Keter, 1995); and the essay: "Jerusalem Is Not the Problem, It Is the Solution," in *Mr. Prime Minister: Jerusalem*, Moshe Amirav, ed. (Carmel and Florsheimer Institute, 2005). He served as a journalist and commentator at *Ha'aretz* between 1983 and 2009, and has documented the dispute over Jerusalem for 30 years.

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